

The examination is being carried out on the **following application documents**:

Description, Pages

1-40 as originally filed

Claims, Numbers

1-14 as originally filed

Drawings, Sheets

1/18-18/18 as originally filed

1 Prior Art

1.1 Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure:

D1 US 2004/024642 A
D2 WO 03/102741 A
D3 US 2004/010708 A
D4 WO 02/37246 A
D5 WO 03/034192 A
D6 US 2003/023578 A

2 Objections under Article 82 EPC and Rule 44 EPC

2.1 The application lacks unity within the meaning of Article 82 EPC. It comprises the following 5 groups of claims which are not so linked as to form a general inventive concept:

- 1 claims 1,2,4,6,8,10,13: mapping table mapping static content identification information with varying media identification information
- 2 claims 3,11,12: geographic location based access control to media content
- 3 claim 5: user interface to media content list
- 4 claims 7,14: authentication of media identification information by trusted digital audio and/or video playing device

5 claim 9: encrypted distribution of digital content

The reasoning therefore is the following:

- 2.2 Taking into account the following references to D1, the subject-matter of independent claim 1 is not new (Article 54 EPC) because D1 discloses

an audio and/or video media content providing device (see D1 abstract and output device 107 in Fig. 1 and paragraphs 40-43) comprising:

at least one controller (see first input device 101 and processing system 115 in D1 Fig. 1 and paragraphs 35-36) operatively responsive to RFID tag based information obtained from a remote RFID enabled media object (see D1 paragraph 37-38) and operative to facilitate access to media content (see D1 paragraph 44-47) with a stored periodically changing media content list (see D1 paragraphs 68-76).

- 2.3 Independent claims 8 and 10 define the system and the method corresponding to the method of claim 1. Claims 8 and 10 are thus not new; Article 54 EPC.

- 2.4 The first, second, fourth and fifth group of claims are directed to different computer security problems. They concern the protection of
- different computer security aspects (1st group: temporal accuracy; 2nd group: local accuracy (accuracy with respect to the geographic location of the media playing unit); 4th group: authenticity; 5th group: secrecy)
 - of different assets to be protected (1st group: periodically changing media content list; 2nd group: periodically changing media content list; 4th group: media identification information; 5th group: media content)
 - using different computer security countermeasures (1st group: mapping table that maps static content identification information with varying media identification information; 2nd group: controller selects the periodically changing media content list based on the determined geographic location of the media playing unit; 4th group: authentication by trusted audio/video playing device; 5th group: encrypted distribution by media content server).

- 2.5 The third group of claims is not related with computer security and concerns the user interface operative to allow periodic changing of the media content list.

- 2.6 The differing subject-matter of the separate groups of inventions therefore does not a priori contribute to the solution of a single technical problem or to interdependent problems. The above groups of inventions are therefore not linked by any technical relationship, involving special technical features, so as to form a single general inventive concept.
- 2.7 The applicant has not indicated on which searched invention the further prosecution of the application should be based (cf. Guidelines C-III, 7.10). The applicant is asked to state upon which invention further prosecution of this application should be based and to limit the application accordingly. Other inventions are to be excised from the claims, description and drawings if any.
- 2.8 The subject-matter to be excised may be made the subject of one or more divisional applications. The divisional applications must be filed with the European Patent Office in Munich, The Hague or Berlin and shall be in the language of the proceedings relating to the present application (cf. Article 76(1) and Rule 36(2) EPC). The time limit for filing divisional applications (Rule 36(1) EPC) must be observed.
- 3 Objections under Articles 54 and 56 EPC
- 3.1 Independent claims 1, 8 and 10 are not new; for the reasoning see item 2.2-2.3 above.
- 3.2 The selection of the periodically changing media content list based on a geographic location (such as e.g. the top 10 single, album or movie charts of a country or a region) does not per se have technical character. On the contrary, it is in itself a purely abstract concept.

Technical considerations first come into play with the implementation of such an abstract concept on a computing system. The technical problem is thus to be regarded as how to provide the technical implementation of the selection of the periodically changing media content list based on a geographic location.

The execution of the selection by the processing system 115 of D1 and the determination of the geographical location of the media playing unit such as disclosed in WO 0237246 A abstract and page 5 line 12-16 are straightforward in that the used technical means serve their well-known purposes to implement the non-technical

selection in a one-to-one fashion. The skilled person would therefore not require any inventive technical skills to arrive at the claimed solution (see also T0641/00 items 13-15).

In view of the above claims 3 and 11 are not inventive.

- 3.3 In dependent claims 2, 4, 6, 12 and 13 minor modifications to the system as defined in the respective head claims are set out, all of which, when not directly deducted from the teachings of D1, D2, D3, D4, D5 and D6, relate to routine measures normally to be expected of the skilled person. Claims 2, 4, 6, 12 and 13 thus lack an inventive step.

4 Further deficiencies

- 4.1 To meet the requirements of Rule 42(1)(b) EPC, the documents D1, D2, D3, D4, D5 and D6 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.

When discussing the prior art, the Applicant should ensure that it is clear from the description which features of the independent claims 1, 8 and 10 are known from these documents.

- 4.2 Independent claims 1, 8 and 10 are not in the two-part form in accordance with Rule 43(1) EPC, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 43(1)(a) EPC) and with the remaining features being included in the characterising part (Rule 43(1)(b) EPC).
- 4.3 The features of the claims 1-14 should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 43(7) EPC). This applies to both the preamble and characterising portion (see the Guidelines, C-III, 4.19).
- 5 The Applicant is requested to file new claims which take account of the above comments.

It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the Applicant nevertheless regard some particular matter

as patentable, an independent claim should be filed taking account of Rule 43(1) EPC. The Applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.

- 6 When filing new claims, Rule 137(4) EPC should be taken into account. Rule 137(4) EPC requires that amended claims may not relate to unsearched subject-matter (cf. Article 92 EPC and EPC Guidelines B-III, 3) which does not combine with the originally claimed invention to form a single general inventive concept (see also EPC Guidelines C-VI, 5.2 ii).
- 6.1 It is pointed out here that only the first and the second groups of claims have been searched. Their subject-matter is directed to (different) computer security problems which exclusively encompass every further specification of the computer security aspects, of the assets to be protected and of the countermeasures which have been identified for the first and the second groups of claims under item 2.4.
- 6.2 For the first group of claims Rule 137(4) EPC thus implies that amended claims are only allowable if they further specify the temporal accuracy (defining the computer security aspect), the periodically changing media content list (defining the asset to be protected) and/or the mapping table that maps static content identification information with varying media identification information (which defines the countermeasure).
- 6.3 For the second group of claims Rule 137(4) EPC thus implies that amended claims are only allowable if they further specify the local accuracy with respect to the geographic location of the media playing unit (defining the computer security aspect), the periodically changing media content list (defining the asset to be protected) and/or the controller selecting the periodically changing media content list based on the determined geographic location of the media playing unit (which defines the countermeasure).
- 7 In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the Applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based.

If the Applicant regards it as appropriate these indications could be submitted in

handwritten form on a copy of the relevant parts of the application as filed.

Amendments will only be accepted and considered if a basis for them in the original filing can be immediately, directly and unambiguously determined (see EPC Guidelines C-VI, 5.4 and E-II 2).

- 8 When filing amended claims the Applicant should at the same time bring the description into conformity with the amended claims (Rule 42(1) c) EPC). Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).